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7590 05/04/2007 Richard Giunta			EXAMINER	
Wolf, Greenfield & Sacks, P.C.			WEINTROP, ADAM S	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<del> </del>	Application No.	Applicant(s)				
	10/632,690	FUSARI, DAVID				
Office Action Summary	Examiner	Art Unit				
•	Adam S. Weintrop	2109				
The MAILING DATE of this communication app	·					
Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period w Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	I. the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 01 Au	ugust 2003.					
2a) This action is <b>FINAL</b> . 2b) ⊠ This	This action is <b>FINAL</b> . 2b)⊠ This action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	63 O.G. 213.				
Disposition of Claims						
<ul> <li>4)  Claim(s) 1-35 is/are pending in the application.</li> <li>4a) Of the above claim(s) is/are withdraw</li> <li>5)  Claim(s) is/are allowed.</li> <li>6)  Claim(s) 1-35 is/are rejected.</li> <li>7)  Claim(s) is/are objected to.</li> <li>8)  Claim(s) are subject to restriction and/or</li> </ul>	vn from consideration.					
Application Papers						
9) The specification is objected to by the Examine	r.					
10)⊠ The drawing(s) filed on <u>01 August 2003</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex	· · · · · · · · · · · · · · · · · · ·	• •				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign  a) All b) Some * c) None of:  1. Certified copies of the priority documents  2. Certified copies of the priority documents  3. Copies of the certified copies of the prior  application from the International Bureau  * See the attached detailed Office action for a list	s have been received. s have been received in Application rity documents have been received (PCT Rule 17.2(a)).	on No ed in this National Stage				
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date See Continuation Sheet.	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	ite				

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :10/20/03,11/07/05,02/06/06,09/14/06.

Application/Control Number: 10/632,690 Page 2

Art Unit: 2109

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#### **DETAILED ACTION**

## Claim Objections

- 1. Claims 8, 20, and 31 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claims are merely a repetition of the last step of each parent claim directed towards determining that the first and second remote applications are emulated on the same client and may belong to the same context by examining the first information and the second information.
- 2. **Claims 1-35** are objected to because of the following informalities:

Regarding **claim 1**, the term "that at least one remote application" on line 8 should be replaced with --the at least one remote application-- to clarify the claim language. The terms "the same context" on lines 11 and 18 have not been defined and should be replaced with --the context--. The term "aspect" on line 15 has not been defined with relation to the "remote client" and should be replaced with --an aspect--. The phrase "the remote application" on line 15 should be replaced with --the at least one of the remote application--.

Regarding **claim 2**, the term "the remote application" on line 24 should be replaced with --the at least one of the remote application--. The term "the same context"

on line 27 has not been defined and should be replaced with --the context-- to enhance claim clarity.

Regarding **claim 3**, the term "the remote application" on line 3 should be replaced with --the at least one of the remote application--.

Regarding **claim 4**, the terms "the client" on lines 16 and 19 should be replaced with --a client-- to improve the clarity of the claim.

Regarding **claim 7**, the term "a same client" on lines 3-4 should be replaced with --the same client-- to improve the clarity of the claim.

Regarding claim 13, the term "that at least one remote application" on line 10 should be replaced with --the at least one remote application-- to clarify the claim language. The terms "the same context" on lines 13 and 20 have not been defined and should be replaced with --the context--. The term "aspect" on line 17 has not been defined with relation to the "remote client" and should be replaced with --an aspect--. The phrase "the remote application" on line 17 should be replaced with --the at least one of the remote application--.

Regarding **claim 14**, the term "the remote application" on line 27 should be replaced with --the at least one of the remote application--. The term "the same context" on line 30 has not been defined and should be replaced with --the context-- to enhance claim clarity.

Regarding **claim 15**, the term "the remote application" on line 6 should be replaced with --the at least one of the remote application--.

Application/Control Number: 10/632,690

don/Control Number. 10/03

Art Unit: 2109

Regarding **claim 16**, the terms "the client" on lines 21 and 24 should be replaced with --the at least one client-- to improve the clarity of the claim.

Regarding **claim 19**, the term "a same client" on line 10 should be replaced with -the same client-- to improve the clarity of the claim.

Regarding **claim 25**, the term "that at least one remote application" on line 18 should be replaced with --the at least one remote application-- to clarify the claim language. The term "the same context" on line 29 has not been defined and should be replaced with --a same context--. The term "aspect" on line 26 has not been defined with relation to the "remote client" and should be replaced with --an aspect--. The phrase "the remote application" on line 26 should be replaced with --the at least one of the remote application--.

Regarding **claim 26**, the term "the remote application" on line 6 should be replaced with --the at least one of the remote application--.

Regarding **claim 27**, the term "the same client" on line 28 should be replaced with --a same client-- to improve the clarity of the claim. The term "the same context" on line 28 has not been defined and should be replaced with --a same context--. The terms "the client" on lines 22 and 25 should be replaced with --the at least one client-- to improve the clarity of the claim.

Regarding **claim 30**, the term "a same client" on line 12 should be replaced with -the same client-- to improve the clarity of the claim.

Appropriate correction is required.

# Claim Rejections - 35 USC § 101

#### 3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-35 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding **claims 1-3**, the claims are directed towards a method of verifying if an application is emulated comprising of receiving information from a client, receiving information from a server, and determining if the context is the same. The step of determining is an abstract step that does not result in a tangible output. For a claim to be statutory, it must have a useful, concrete, and tangible output, such as displaying or storing.

Regarding **claims 4-12**, the claims are directed towards a method of verifying if an application is emulated comprising of receiving information from a server, receiving information from another server, determining if the context is the same, and then receiving information from a client. The steps of determining and receiving are abstract steps that do not result in a tangible output. For a claim to be statutory, it must have a useful, concrete, and tangible output, such as displaying or storing.

Regarding **claims 13-15**, the claims are directed towards a method of verifying if an application is emulated comprising of receiving information from a client, receiving information from a server, and determining if the context is the same. The step of determining is an abstract step that does not result in a tangible output. For a claim to be statutory, it must have a useful, concrete, and tangible output, such as displaying or

Application/Control Number: 10/632,690

Art Unit: 2109

storing. Also, the claims are directed towards a computer-readable medium. A computer-readable medium can be considered a carrier wave and is not considered a statutory category of invention such as a method, machine, manufacture, or composition of matter.

Regarding claims 16-24, the claims are directed towards a method of verifying if an application is emulated comprising of receiving information from a server, receiving information from another server, determining if the context is the same, and then receiving information from a client. The steps of determining and receiving are abstract steps that do not result in a tangible output. For a claim to be statutory, it must have a useful, concrete, and tangible output, such as displaying or storing. Also, the claims are directed towards a computer-readable medium. A computer-readable medium can be considered a carrier wave and is not considered a statutory category of invention such as a method, machine, manufacture, or composition of matter.

Regarding **claims 25-26**, the claims are directed towards a system that verifies context and application emulation by receiving information from a client, receiving information from a server, and determining if the context is the same. The step of determining is an abstract step that does not result in a tangible output. For a claim to be statutory, it must have a useful, concrete, and tangible output, such as displaying or storing.

Regarding **claims 27-35**, the claims are directed towards a system of verifying if an application is emulated comprising of receiving information from a server, receiving information from another server, determining if the context is the same, and then

receiving information from a client. The steps of determining and receiving are abstract steps that do not result in a tangible output. For a claim to be statutory, it must have a useful, concrete, and tangible output, such as displaying or storing.

### Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 5. Claims 1, 4-8, 13, 16-20, 25, and 27-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Parsons, Jr. et al. (US 6,085,247).

Regarding claims 1 and 13, Parsons, Jr. et al. anticipates at least one computerreadable medium encoded with instructions for performing a method, as required by
claim 13 (column 5, lines 62-67), in a system comprising a first client (Figure 1, Item
24(1)), a context management (CM) server (Figure 1, Item 22 and column 7, lines 3437, with a context seen as a session since it involves the currently operated on data in
which a user is manipulating), a remote application server (Figure 1, Item 22, and
column 6, lines 11-20, with the server being able to support windowing sessions
according to the WinFrame technology) and at least one network that couples together
the first client, the CM server and the remote application server (Figure 1, Item 26), the
remote application server executing at least one remote application (column 6, lines 3034, with the user operating on a client, yet the system is operating completely on the

server), the first client executing at least one client application that may share a context with the at least one remote application (column 6, lines 30-34, with the user operating on a client, yet the system is operating completely on the server, seen as sharing a context or session), the first client further executing an emulation application that emulates that at least one remote application on the first client (column 6, lines 30-34, with the user operating on a client, however the applications are actually executing on the server, seen as emulating the server or remote environment), the CM server executing a context management service to manage the context (column 7, lines 34-38, with the server using dynamic re-association to connect clients with different sessions or contexts), a method of verifying that the at least one remote application is emulated on the first client and may belong to the same context, the method comprising acts of:

(a) receiving from the first client first information that uniquely identifies an aspect of the first client (column 9, lines 21-24, with the user logon seen as a unique identifier for the first client);

- (b) receiving from the remote application server second information that uniquely identifies the aspect of a remote client on which the remote application is emulated (column 10, lines 59-61, with the server receiving information regarding the client is already involved in an emulation session); and
- (c) determining that the at least one remote application is emulated on the first client and may belong to the same context when the first information matches the second information (column 10, lines 62-65, with the server re-associating the session, seen as

a context since it contains the data being manipulated and emulated, if the user ID matches the emulation session already constructed for that particular user ID).

Regarding claims 4 and 16, Parsons, Jr. et al. anticipates at least one computer-readable medium encoded with instructions for performing a method, as required by claim 16 (column 5, lines 62-67) in a system comprising at least one client (Figure 1, Item 24(1)), a context management (CM) server (Figure 1, Item 22 and column 7, lines 34-37, with a context seen as a session since it involves the currently operated on data in which a user is manipulating), a plurality of remote application servers (Figure 1, Item 22, and column 6, lines 11-20, with the server being able to support windowing sessions according to the WinFrame technology and column 9, lines 28-32, with the client being able to run multiple applications, seen as employing multiple application servers on the single main server diagramed, seen as multiple sessions) and at least one network that couples together the at least one client, the CM server and the plurality of remote application servers (Figure 1, Item 26), the plurality of remote application servers comprising first and second remote application servers respectively executing first and second remote applications that are emulated on the at least one client and may share a context (column 9, lines 28-32, with the user being able to work on multiple applications, seen as multiple application servers since they are remote from the user, and column 6, lines 30-34, with the applications being effectively emulated on the client since they are executing solely on the server, seen as sharing a context or session, thus each client connection is a session or context, and in this there are multiple applications available to the user), the at least one client executing at least one

Application/Control Number: 10/632,690 Page 10

Art Unit: 2109

emulation application that emulates the first and second remote applications on the at least one client (column 6, lines 30-34 with the client operating emulation versions of the applications), the CM server executing a context management service to manage the context (column 7, lines 34-38, with the server using dynamic re-association to connect clients with different sessions or contexts), a method of verifying that the first and second remote applications are emulated on a same client and may belong to a same context, the method comprising acts of:

- (a) receiving from the first remote application server first information that uniquely identifies an aspect of the client on which the first remote application is emulated (column 10, lines 59-61, with the server receiving information that a user is affiliated with a current session, or context, and column 11, line 67-column 12, line 5, with the server receiving information regarding the first client's configuration in order to reconfigure the session or context);
- (b) receiving from the second remote application server second information that uniquely identifies an aspect of the client on which the second remote application is emulated (column 10, lines 59-61, with the server receiving information that a user is affiliated with a current session, or context, and column 11, line 67-column 12, line 5, with the server receiving information regarding the present client's configuration in order to reconfigure the session or context); and
- (c) determining that the first and second remote applications are emulated on the same client and may belong to the same context by examining the first information and the second information (column 10, lines 62-65, with the server re-associating the session,

seen as a context since it contains the data being manipulated and emulated, if the user ID matches the emulation session already constructed for that particular user ID).

Page 11

Regarding **claims 5 and 17**, Parsons, Jr. et al. anticipates the method of claim 4 or the at least one computer readable medium of claim 16, wherein each client that emulates a remote application executing on the at least one remote application server logs into the remote application server using login information (column 9, lines 21-24, with the client enters logon information), wherein the first information comprises the login information for the client on which the first remote application is emulated and the second information comprises the login information for the client on which the second remote application is emulated (column 10, lines 59-65, with logon information used as part of the information to determine if the applications are a part of the same context or session).

Regarding **claims 6 and 18**, Parsons, Jr. et al. anticipates the method of claim 5, or the at least one computer readable medium of claim 17, wherein the login information comprises a user identifier (column 9, lines 21-23, where the login is a user ID, or user identification).

Regarding claims 7 and 19, Parsons, Jr. et al. anticipates the method of claim 4, or the at least one computer readable medium of claim 17, further comprising an act of (d) receiving from a same client information that uniquely identifies the aspect of the client identified by the first information in the act (a) and information that uniquely identifies the aspect of the client identified by the second information in the act (b) (column 9, lines 21-24, with the user entering logon information), and

Page 12

wherein the act (c) comprises an act of determining that the first and second remote applications are emulated on the same client when the information received in the act (d) matches the first and second information (column 10, lines 62-65, with the server reassociating the session, seen as a context since it contains the data being manipulated and emulated, if the user ID retrieved from the client matches the emulation sessions already in place for that particular user ID).

Regarding claims 8 and 20, Parsons, Jr. et al. anticipates the method of claim 4. or the at least one computer readable medium of claim 16, wherein the act (c) comprises determining that the first and second remote applications are emulated on the same client and may belong to the same context when the first information matches the second information (column 10, lines 62-65, with the server re-associating the session, seen as a context since it contains the data being manipulated and emulated, if the user ID matches the emulation session already constructed for that particular user ID).

Regarding claim 25, Parsons, Jr. et al. anticipates a context management server for use in a system comprising a first client (Figure 1, Item 24(1)), the context management server (Figure 1, Item 22 and column 7, lines 34-37, with a context seen as a session since it involves the currently operated on data in which a user is manipulating), a remote application server (Figure 1, Item 22, and column 6, lines 11-20, with the server being able to support windowing sessions according to the WinFrame technology) and at least one network that couples together the first client, the context management server and the remote application server (Figure 1, Item 26), the

remote application server executing at least one remote application (column 6, lines 30-34, with the user operating on a client, yet the system is operating completely on the server), the first client executing at least one client application that may share a context with the at least one remote application (column 6, lines 30-34, with the user operating on a client, yet the system is operating completely on the server, seen as sharing a context or session), the first client further executing an emulation application that emulates that at least one remote application on the first client (column 6, lines 30-34, with the user operating on a client, however the applications are actually executing on the server, seen as emulating the server or remote environment), the context management server comprising:

at least one processor to execute a context management service to manage the context (column 7, lines 34-38, with the server using dynamic re-association to connect clients with different sessions or contexts); and

at least one controller that:

receives from the first client first information that uniquely identifies an aspect of the first client (column 9, lines 21-24, with the user logon seen as a unique identifier for the first client);

receives from the remote application server second information that uniquely identifies the aspect of a remote client on which the remote application is emulated (column 10, lines 59-61, with the server receiving information regarding the client is already involved in an emulation session); and

determines that the at least one remote application is emulated on the first client and

may belong to the same context when the first information matches the second information (column 10, lines 62-65, with the server re-associating the session, seen as a context since it contains the data being manipulated and emulated, if the user ID matches the emulation session already constructed for that particular user ID).

Regarding claim 27, Parsons, Jr. et al. anticipates a context management server for use in a system comprising at least one client (Figure 1, Item 24(1)), the context management server (Figure 1, Item 22 and column 7, lines 34-37, with a context seen as a session since it involves the currently operated on data in which a user is manipulating), a plurality of remote application servers (Figure 1, Item 22, and column 6, lines 11-20, with the server being able to support windowing sessions according to the WinFrame technology and column 9, lines 28-32, with the client being able to run multiple applications, seen as employing multiple application servers on the single main server diagramed, seen as multiple sessions) and at least one network that couples together the at least one client, the context management server and the plurality of remote application servers (Figure 1, Item 26), the plurality of remote application servers comprising first and second remote application servers respectively executing first and second remote applications that are emulated on the at least one client and may share a context (column 9, lines 28-32, with the user being able to work on multiple applications, seen as multiple application servers since they are remote from the user, and column 6, lines 30-34, with the applications being effectively emulated on the client since they are executing solely on the server, seen as sharing a context or session, thus each client connection is a session or context, and in this there are multiple applications

available to the user), the at least one client executing at least one emulation application that emulates the first and second remote applications on the at least one client (column 6, lines 30-34 with the client operating emulation versions of the applications), the context management server comprising:

at least one processor to execute a context management service to manage the context (column 7, lines 34-38, with the server using dynamic re-association to connect clients with different sessions or contexts); and

at least one controller that:

receives from the first remote application server first information that uniquely identifies an aspect of the client on which the first remote application is emulated (column 10, lines 59-61, with the server receiving information that a user is affiliated with a current session, or context, and column 11, line 67-column 12, line 5, with the server receiving information regarding the first client's configuration in order to reconfigure the session or context);

receives from the second remote application server second information that uniquely identifies an aspect of the client on which the second remote application is emulated (column 10, lines 59-61, with the server receiving information that a user is affiliated with a current session, or context, and column 11, line 67-column 12, line 5, with the server receiving information regarding the present client's configuration in order to reconfigure the session or context); and

determines that the first and second remote applications are emulated on the same client and may belong to the same context by examining the first information and the

second information (column 10, lines 62-65, with the server re-associating the session, seen as a context since it contains the data being manipulated and emulated, if the user ID matches the emulation session already constructed for that particular user ID).

Regarding **claim 28**, Parsons, Jr. et al. anticipates the context management server of claim 27, wherein each client that emulates a remote application executing on the at least one remote application server logs into the remote application server using login information (column 9, lines 21-24, with the client enters logon information), wherein the first information comprises the login information for the client on which the first remote application is emulated and the second information comprises the login information for the client on which the second remote application is emulated (column 10, lines 59-65, with logon information used as part of the information to determine if the applications are a part of the same context or session).

Regarding **claim 29**, Parsons, Jr. et al. anticipates the context management server of claim 28, wherein the login information comprises a user identifier (column 9, lines 21-23, where the login is a user ID, or user identification).

Regarding **claim 30**, Parsons, Jr. et al. anticipates the context management server of claim 27, wherein the controller further receives from a same client information that uniquely identifies the aspect of the client identified by the first information, information that uniquely identifies the aspect of the client identified by the second information (column 9, lines 21-24, with the user entering logon information), and determines that the first and second remote applications are emulated on the same client when the information received matches the first and second information (column

10, lines 62-65, with the server re-associating the session, seen as a context since it contains the data being manipulated and emulated, if the user ID retrieved from the client matches the emulation sessions already in place for that particular user ID).

Regarding claim 31, Parsons, Jr. et al. anticipates the context management server of claim 27, wherein the controller determines that the first and second remote applications are emulated on the same client and may belong to the same context when the first information matches the second information (column 10, lines 62-65, with the server re-associating the session, seen as a context since it contains the data being manipulated and emulated, if the user ID matches the emulation session already constructed for that particular user ID).

## Claim Rejections - 35 USC § 103

- 6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 7. Claims 2-3, 9-12, 14-15, 21-24, 26, and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parsons, Jr. et al. (US 6,085,247) in view of Richmond et al. (US 2003/0152067).

Regarding claims 2-3, 9-12, 14-15, 21-24, 26, and 32-35, Parsons, Jr. et al. discloses all of the limitations as described above except for using hardware addresses as the information received from the first and remote clients to determine if the client

belong to the same context as required by claims 2, 3, 14, 15, and 26, an address of the first and second clients as the information received to determine if the application is being emulated on the same client as required by claims 9, 11, 21, 23, 32, and 34, or IP addresses included in the information received from the clients used to match clients to certain contexts as required by claims 10, 12, 22, 24, 33, and 35. Parsons, Jr. et al. teaches using user identifiers as the login information received from the clients and servers and further used to match clients to certain contexts, but does not teach using IP addresses, hardware address, or general addresses as information received from the clients to match first and second/remote clients to determine if the clients are emulating the same context. The general concept of using addresses, hardware addresses, or IP addresses in place of a login or as a part of a login to further identify the client is well known in the art as illustrated by Richmond et al. Richmond et al. teaches that a MAC address (seen as a hardware address or a general address), an IP address, or any kind of device identifier can be used to identify a user for logon purposes (Section 0224). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Parsons, Jr. et al. with using IP or MAC addresses as information received from the clients for context determination for logon information as taught by Richmond et al. in order to authenticate based on user identity and use this information after the initial authentication as noted in Richmond et al.'s disclosure in section 0038.

Application/Control Number: 10/632,690 Page 19

Art Unit: 2109

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam S. Weintrop whose telephone number is 571-270-1604. The examiner can normally be reached on Monday through Friday 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Jules can be reached on 571-272-6681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AW 4/30/07

FRANTZ JULES
SUPERVISORY PATENT EXAMINER